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MEMORANDUM

TO: Catherine Engelbrecht, True the Vote

FROM: Eades L. Hogue

DATE: July 6, 2014

RE: Access to voter registration records under federal law

Your volunteers who will be going to the offices across Mississippi tomorrow should know that they have a right to inspect all voter registration documents, including dates of birth, under Section 8 of the National Voter Registration Act of 1993¹.

Absentee ballot applications are required to be maintained by the State pursuant to 42 USC 1974². An absentee ballot application is a relevant voter registration document that you should be allowed to review. Any address information contained on the absentee ballot applications could have been used by the state to update voter registration lists. Accordingly, since the state could use the absentee ballot applications to update registrants' addresses, they should be subject to public inspection under the National Voter Registration Act of 1993.

¹ Public disclosure of voter registration activities (1) Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered. (2) The records maintained pursuant to paragraph (1) shall include lists of the names and addresses of all persons to whom notices described in subsection (d)(2) of this section are sent, and information concerning whether or not each such person has responded to the notice as of the date that inspection of the records is made. 42 U.S.C. 1973gg-6(i).

² Every officer of election shall retain and preserve, for a period of twenty-two months from the date of any general, special, or primary election of which candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico are voted for, all records and papers which come into his possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election, except that, when required by law, such records and papers may be delivered to another officer of election and except that, if a State or the Commonwealth of Puerto Rico designates a custodian to retain and preserve these records and papers at a specified place, then such records and papers may be deposited with such custodian, and the duty to retain and preserve any record or paper so deposited shall devolve upon such custodian. Any officer of election or custodian who willfully fails to comply with this section shall be fined not more than \$1,000 or imprisoned not more than one year, or both. 42 U.S.C. 1974.

